

## **Confidentiality**

**Legal reference:** Iowa Code Section 217.30; 441 IAC 9.7(17A, 22, 228); 441 IAC 9.10(7); 93.2(2)c

## **Policy**

All agencies involved in the provision of PROMISE JOBS services shall safeguard participant information in conformance with Iowa Code Section 217.30.

PROMISE JOBS agencies, for the purposes of this section, refer to DHS (including Bureau of Refugee Services), IWD, and DHR (FaDSS). Because of the contracts and agreements between these agencies, staff that work with PROMISE JOBS participants within these agencies and within their subcontractors or grantees are subject to the same laws, and rules with regard to confidentiality. It is expected that each agency has and enforces comparable policies and procedures for safeguarding confidentiality.

### Sharing within a PROMISE JOBS Agency:

Participant or applicant information shall not be disclosed to or used by any person within a PROMISE JOBS agency except for purposes of administration of the PROMISE JOBS program.

### Sharing between PROMISE JOBS Agencies:

Information about a PROMISE JOBS participant or applicant can be confidently shared between the PROMISE JOBS agencies. All information shared between agencies shall be used only for purposes of administration of programs, services or assistance.

### Sharing outside of PROMISE JOBS Agencies:

Some participant information may be shared outside of the PROMISE JOBS agencies without a signed release of information. This is called "safe data" and is permitted when referring participants to other state agencies or other entities providing a service determined to be necessary for successful participation in PROMISE JOBS and the FIA.

Examples of "safe data" are:

- Participant's name
- Contact information
- Date of Birth
- Gender
- Citizenship
- Marital status
- Number of people in the household.

PROMISE JOBS applicants' or participants' "restricted data" may ***never*** be shared outside of the PROMISE JOBS agencies without signed authorization given by the participant for release of that specific information to a specified agency or person.

"Release of information" means one of the following:

- ◆ Granting access to or allowing the copying of a record.
- ◆ Providing information either in writing or orally.
- ◆ Acknowledging information to be true or false.

"Restricted data" is information specific to:

- Mental health
- Disability information
- Alcohol or drug abuse
- HIV/AIDS
- Supplemental Security Income (SSI)
- Social Security Disability Insurance (SSDI)
- Medicaid or hawk-I status
- Any other data which is not clearly "safe data"

The DHS Employees' Manual Title 1, Chapter C ([www.dhs.state.ia.us/policyanalysis](http://www.dhs.state.ia.us/policyanalysis)) contains an overview of confidentiality policies for all DHS programs. Each PROMISE JOBS worker shall receive training on confidentiality policies.

## **Procedure**

On a practical level, these confidentiality measures mean that information can be shared within a PROMISE JOBS agency and between PROMISE JOBS agencies on a need-to-know basis. A worker can share information about a participant to the extent that the other worker needs to know this information in order to provide services to the PROMISE JOBS participant. It is the responsibility of each agency to determine what information is needed in order to provide services.

Safe data can be shared when making referrals to other state agencies or other entities providing a service determined to be necessary for successful participation in PROMISE JOBS and the FIA.

Have the participant sign form 470-0429, *Consent to Obtain and Release Information* before sharing restricted or confidential information outside of PROMISE JOBS agencies. If you have a question about whether information is "restricted" or "safe" err on the side of caution and obtain a signed *Consent to Obtain and Release Information* form. See **Release with Participant's Authorization** for more information.

**Comments:**

You would like to refer Ms. A to FaDSS and call the FaDSS worker to discuss the situation.	Release not needed. FaDSS is a PROMISE JOBS agency.
You would like to refer Mr. B to Vocational Rehabilitation and call the VR worker to discuss the situation.	Signed release needed if you share any information about Mr. B's disability.
	Release not needed if you say, "I would like to make an appointment for Mr. B. I think he might be eligible for your services. Here is his contact information."  Identifying yourself as working for PROMISE JOBS is not considered a "breach of confidentiality".
You work for IWD in the PROMISE JOBS program. Mr. C is co-enrolled with WIA and is attending school. You would like to share his grades and his class schedule with the worker from the WIA program.	Release not needed. Information is being shared within a PROMISE JOBS agency for the purposes of administration of the PROMISE JOBS program.

The following sections address procedures for:

- ♦ [Release of information for administrative purposes](#)
- ♦ [Release of information with the participant's authorization](#)
- ♦ [Releasing information over the telephone](#)

**Release for Administrative Purposes**

You, DHS staff, and FaDSS grantees can share participant information in response to requests for information on shared participants or applicants needed in order to provide necessary services without requiring a signed release from the participant. Examples of necessary services include but are not limited to FIP eligibility, Quality Control review, PROMISE JOBS services, Child Care Assistance or FaDSS services.

IM workers may refer inquiries to PROMISE JOBS or may contact PROMISE JOBS to determine whether a participant has been referred to a particular agency or entity for such services before releasing participant information.

If you or the IM worker receives an apparent inappropriate request for information from a PROMISE JOBS partner agency, resolve the concern through the local coordination procedures that have been approved in the local service plans.

## **Release with Participant's Authorization**

**Legal reference:** 441 IAC 9.7(17, 22, 228)

To the extent permitted by any applicable provision of law, a person who is the subject of a confidential record may have a portion of that record concerning the subject disclosed to a third party.

You can release confidential restricted information only when the participant, or the person responsible for the participant authorizes you to release that information.

"Authorization to release information" means a written statement, signed and dated by the person empowered to authorize release of confidential information. The statement shall specify:

- ◆ To whom information is to be released,
- ◆ What information is to be released,
- ◆ The period of time for which the authorization to release information is to be effective.

To meet these requirements, complete form 470-0429, *Consent to Obtain and Release Information*, and have it signed by the participant before sharing any information, whether in writing or verbally.

Complete all information on form 470-0429 and give any verbal explanation necessary to the participant's understanding of it before the participant signs the form. Never ask the participant to sign a blank form. (See PJPM APPENDIX.)

All dates used on the release form must be specific. (This means month/day/year.) The beginning date is the date the participant signs the authorization. You must also give a specific end date. This may be the end of a training plan lasting three years.

However, if the participant's training completion date is extended for any reason, the participant must sign a new timely release covering the additional time.

## **Releasing Information Over the Telephone**

**Legal reference:** 441 IAC 9.7(17A, 22, 228)

Providing information over the telephone removes obstacles to speedy and efficient communication with the participant, Social Security offices, other staff, etc. However, you must take extreme caution before disclosing information over the phone. Do not disclose or discuss confidential or restricted

information unless the person requesting the information is authorized to receive it under other provisions in this chapter.

Do not disclose any information, even the fact that a person is a participant, unless you are certain you are speaking to an authorized person, even if the caller claims to have information that would be beneficial to the participant. To ascertain that the person calling is, in fact, an authorized person before providing the requested information you can use methods such as the following:

- ◆ Use positive voice recognition.
- ◆ Have a record of the telephone number of the authorized person already on file or check it in the telephone book or other source, and call back to that number before disclosing the information.

If it is impossible to be certain that the caller is an authorized person, suggest other methods of getting the information, such as coming to the office with the participant or submitting a written request. Document occasions of releasing information by a note in the case record, stating the name of the caller and the circumstances.